

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Jacques DEGELAEN et al. :
Serial No. NEW : **Attn: APPLICATION BRANCH**
Filed November 7, 2003 : Attorney Docket No. 2003_1624

ASSAY DEVICE FOR DETERMINING ANALYTES
IN A LIQUID DIARY PRODUCT
**(Rule 1.53(b) Divisional of Serial No. 09/297,196,
Filed April 27, 1999)**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 09/297,196.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
 - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
 - c. ☐ the concise explanation contained in the specification of the present application at page ,
 - d. ☐ the concise explanation set forth in the attached English language abstract,
 - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Jacques DEGELAEN et al.

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November 7, 2003

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: November 7, 2003

ATTY DOCKET NO.
2003_1624SERIAL NO.
NEWAPPLICANT
Jacques DEGELAEN et al.FILING DATE
November 7, 2003

GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,591,645	1/1997	Rosenstein			
	AB	5,160,486	11/1992	Schlipfenbacher et al.			
	AC	4,786,594	11/1988	Khanna et al.			
	AD	5,712,172	1/1998	Huang et al.			
	AC	5,985,675	11/1999	Charm et al.			
	AF	6,001,658	12/1999	Fredrickson			
	AG	6,319,466	11/2001	Markovsky et al.			
	AH	6,475,805	11/2002	Charm et al.			
	AI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AJ	0 806 666	11/1997	EP				
	AK	0 408 222	1/1991	EP				
	AL	96/15453	5/1996	WO				
	AM	96/10177	4/1996	WO				
	AN	93/18398	9/1993	WO				
	AO	88/08534	3/1988	WO				

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AP	Joris et al., "FEMS Microbiology Letters, Vol. 70, pp. 107-114.
	AQ	Jean-Marie FRERE et al., "Enzymatic Method for Rapid and Sensitive Determination of β -Lactam Antibodies", Antimicrobial Agents and Chemotherapy, Vol. 18, No. 4, pp. 506-510, 10/1980.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of form with next communication to applicant.

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U.S. PATENT DOCUMENTS

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	BA	4,239,852	12/1980	Charm			
	BB	4,546,076	10/1985	Degelaen et al.			
	BC	5,246,830	9/1993	Degelaen et al.			
	BD	5,234,813	8/1993	McGeehan et al.			
	BE	5,662,813	9/1997	Sammons et al.			
	BE	5,821,073	10/1999	Lee			
	BG	5,958,714	9/1999	Gordon et al.			
	BH	5,981,294	11/1999	Blatt et al.			
	BI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	BJ	0 593 112	4/1994	EP				
	BK	0 085 667	8/1983	EP				
	BL	0 468 946	1/1992	EP				
	BM							
	BN							
	BO							

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	BP	
	BQ	

EXAMINER

DATE CONSIDERED

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